

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**ZACHARY EDWARDS,**  
also known as  
“ATL,”

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

**NO.: 2:17-cr-00013-MHH-TMP**

## **OBJECTIONS AND FACTUAL CLARIFICATIONS** **TO THE PRESENTENCE REPORT**

Comes now Zachary Edwards, by and through undersigned counsel, pursuant to Federal Rule of Criminal Procedure 32(f), and hereby objects to and requests factual clarifications to the following items in the Presentence Investigation Report (“PSR”):

- 1) **Page 2 “Codefendants”** should be revised to state that Raphael Maurie Edwards was found not guilty by jury verdict on November 16, 2017.<sup>1</sup>
- 2) **Paragraph 17.** This paragraph should be revised to include that the reason the agents recovered a Mossberg 12 gauge pump-action shotgun during a consent search of the bedroom in the residence is that Zachary Edwards voluntarily told the agents where it was and admitted ownership of it.
- 3) **Paragraph 20.** Mr. Edwards submits that although this paragraph may contain the substance of statements made to law enforcement by Maurie Edwards, he denies that all these factual statements are true.
- 4) **Paragraph 25 – 28.** These paragraphs contain statements made to law enforcement by a “confidential source”. Mr. Edwards does not, in fact know the identity of this confidential

<sup>1</sup> See paragraph 8 of the PSR.

source. Further, although these statements may have been made by this confidential source to law enforcement he does not admit that the statements are true.

5) **Paragraphs 30 – 32.** Mr. Edwards submits that although these paragraphs may contain the substance of statements made to law enforcement by Quinese Nichols, he denies that all these factual statements are true.

6) **Paragraphs 48 – 52.** Mr. Edwards submits that although these paragraphs may contain the substance of statements made to law enforcement by Wendell Nichols, he denies that all these factual statements are true.

7) **Paragraphs 54 – 74.** Mr. Edwards submits that although these paragraphs may contain the substance of statements made to law enforcement by Quinese Nichols, he denies that all these factual statements are true.

8) **Paragraphs 76 – 77.** Mr. Edwards objects to the inclusion of this information regarding the two drawings. This information is immaterial to the “offense conduct” herein, and its inclusion in this section of the PSR is irrelevant as a result.

9) **Paragraph 87. Adjustment for Role in the Offense.** Mr. Edwards objects to this paragraph. Maurie Edwards was found not guilty at trial, and was therefore not a coconspirator in this offense. The offense was poorly planned and haphazardly executed. It was disorganized and did not, therefore, contain the elements necessary for Mr. Edwards to receive this two point enhancement.

10) **Paragraph 89. Adjusted Offense Level (Subtotal).** Mr. Edwards objects to this paragraph for reasons stated in his objection to paragraph 87. His adjusted offense level here should be a 24, not 26.

11) **Paragraph 93.** Mr. Edwards objects to this paragraph for reasons stated in his objection to paragraph 87. His Total Offense Level here should be 21, not 23.

12) **Paragraph 98.** Mr. Edwards denies this municipal conviction.

13) **Paragraph 101.** Based on his objection to paragraph 98, Mr. Edwards submits that his criminal history score here should be a 3, not 4, resulting in a criminal history category of II.

14) **Paragraph 131.** Based on previous objections to paragraphs 93 (Total Offense Level), and paragraph 101 (Criminal History Computation), Mr. Edwards states that his correctly calculated offense level should be 21 and his correctly calculated criminal history category II, resulting in an advisory guideline range of 41 to 51 months.

KEVIN L. BUTLER  
Federal Public Defender

**/s/Glennon F. Threatt**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties of record.

**/s/Glennon F. Threatt**